

# Washington State Liquor Control Board

## Information for Liquor Licensees and Permit Holders

# What Happens if I Violate a Liquor Law?

### What are your options?

This fact sheet describes what happens when a liquor licensee or a mandatory alcohol server training permit holder allegedly violates a Liquor Control Board law or regulation. The rules that cover these processes are in chapter 314-29 WAC. You can get a copy of these rules on our website at [www.liq.wa.gov](http://www.liq.wa.gov), or if you have questions on this process please call the Liquor Control Board at 360-664-1780.

### **What happens if I, or one of my employees, violate a Liquor Control Board law or rule?**

If you or one of your employees allegedly violates a Liquor Control Board statute or regulation, a Board enforcement agent will mail or give you an administrative violation notice. This notice will include:

1. The date and a description of the alleged violation.
2. A copy of the laws and/or regulations allegedly violated.
3. An outline of your options.
4. The proposed penalty. Penalties are outlined in rule (**chapter 314-29 WAC for licensees, and WAC 314-17-100 through WAC 314-17-110 for mandatory alcohol server training permit holders**).

### **What options do I have when I receive an administrative violation notice?**

When you get the administrative violation notice, you have twenty days from receipt of the notice to notify the Board which one of the following options you have chosen:

1. Accept the recommended penalty, *usually* either a suspension or a monetary penalty (this means you agree to the facts stated in the violation notice and will comply with the order),
2. Request a settlement conference, or
3. Request an administrative hearing.

### **Settlement conferences**

A settlement conference gives you and the local agent in charge a chance to discuss the circumstances surrounding the violation, the proposed penalty, and any aggravating or

mitigating factors. If you request a settlement conference, your local enforcement office will contact you to schedule a meeting over the telephone or in-person.

If you and the agent in charge reach an agreeable compromise, the agent in charge will forward a proposed settlement agreement to the Liquor Control Board Members for approval.

- If the Board Members approve the compromise, a copy of the signed settlement agreement will be sent to you, and this will conclude the case.
- If the Board Members do not approve the compromise, the Board will notify you and you will be given the option of agreeing to any changes the Board has made in the agreement, accepting the original penalty, or requesting an administrative hearing.

If you and the agent in charge cannot reach agreement on a settlement proposal, you have two choices:

1. You can accept the originally recommended penalty, or
2. You can go on to the next step, an administrative hearing.

### **Administrative hearings**

Administrative hearings are conducted by a state agency called the Office of Administrative Hearings. These hearings are held under the guidelines of a chapter of state laws called the Washington Administrative Procedure Act (chapter 34.05 RCW).

Here's what will happen if you request an administrative hearing:

1. The Office of Administrative Hearings will schedule the hearing. They will notify you in writing of the date, time, and location of the hearing.
2. The hearing will be conducted by an Administrative Law Judge. You may be represented by an attorney or may choose to represent yourself. The Assistant Attorney General will represent the Liquor Control Board's enforcement staff.
3. Following the hearing, the Administrative Law Judge will prepare a document called an initial order and send it to you, your attorney if you are represented by one, and the Assistant Attorney General. Both you and the Assistant Attorney General have twenty days to file an exception to the initial order. An exception is a document saying you believe the Administrative Law Judge made an error in the initial order, and explains why you think this.
4. The records are then reviewed by the Board Members, who announce their decision in a document called a final order. You have the right to appeal this order (under the provisions of the RCW 34.05.510 through 34.05.598 of the Administrative Procedure Act).

### **Non-response**

If you do not respond to the administrative violation notice within twenty days, the proposed penalty will automatically go into effect.